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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/205,119	12/03/1998	CHARLES A. ELDERING	8887-3004	8185

27832 7590 06/06/2002

EXPANSE NETWORKS, INC.
300 NORTH BROADSTREET
DOYLESTOWN, PA 18901

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

CL

Office Action Summary	Application No.	Applicant(s)	
	09/205,119	ELDERING ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/3/98 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15, 17-40 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent 6,286,140-B1 to Ivanyi in view of U.S. Patent 5,287,181 to Holman.

Regarding claim 14, Ivanyi discloses a system for monitoring a subscribers television program and commercial viewing (column 11, lines 1-12), determining whether or not the subscriber is watching an advertisement by monitoring channel and volume changes and records the data for distribution to a centralized database (column 9, lines 25-40, Figure 5). Ivanyi does not disclose a system that retrieves data in descriptive fields corresponding to the advertisement. Holman discloses a downloadable coupon system in which advertisement related information stored in fields (Figure 5, Product MFGR 262, Product I.D. 266, column 6, lines 5-69) is downloaded to a set top box and is later uploaded to a central computer (column 18, line 59-column 19, line 21). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ivanyi to download advertising related information as taught by Holman in order to increase the efficiency of an advertisers marketing efforts by providing additional information on a subscribers viewing habits and interests.

Regarding claim 15, Ivanyi discloses that statistical data is collected in order to describe or gauge viewer behavior (column 9, lines 25-40).

Regarding claim 17, Ivanyi discloses a system for monitoring subscribers viewing habits that monitors the volume control commands initiated by a subscriber (column 9, lines 25-40).

Regarding claim 18, Ivanyi discloses a system for monitoring subscribers viewing habits, which monitors the channel change commands initiated by a subscriber (column 9, lines 25-40).

Regarding claim 19, Holman discloses in Figure 5, a series of fields stored in memory and identifies the broadcast source in source 282; this data is downloaded to the STB (column 6, lines 5-69).

Regarding claim 20, Holman discloses in Figure 5, a series of descriptive fields stored in memory; this data is downloaded to the STB (column 6, lines 5-69).

Regarding claim 21, Holman discloses a downloadable coupon system in which advertisement related information stored in fields (Figure 5, Product MFGR 262, Product I.D. 266, column 6, lines 5-69) is downloaded to a set top box and is later uploaded to a central computer (column 18, line 59-column 19, line 21). The examiner takes official notice that electronic program guides comprised of text for identifying the broadcast source is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Holman to retrieve the source information from an electronic program guide for an advertisement that a user has

viewed in order to reduce the bandwidth used to transmit an advertisement and its related information.

Regarding claim 22, Holman discloses a downloadable coupon system in which advertisement related information stored in fields (Figure 5, Product MFGR 262, Product I.D. 266, column 6, lines 5-69) is downloaded to a set top box and is later uploaded to a central computer (column 18, line 59-column 19, line 21). The examiner takes official notice that HTML based electronic program guides used to identify the broadcast source is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Holman to retrieve the source information from an electronic program guide for an advertisement that a user has viewed in order to reduce the bandwidth used to transmit an advertisement and its related information.

Regarding claim 23 and 33, Holman discloses a downloadable coupon system in which advertisement related information stored in fields (Figure 5, Product MFGR 262, Product I.D. 266, column 6, lines 5-69) is downloaded to a set top box and is later uploaded to a central computer (column 18, line 59-column 19, line 21). The examiner takes official notice that the use of the vertical blanking interval to sent text data is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Holman to send the advertising data via the VBI as to minimize the use of available bandwidth thereby allowing a CATV provider to offer as many channels as possible to their subscribers.

Regarding claims 24 and 34, Holman discloses in Figure 5, a Product I.D. 266 field that identifies the product being advertised.

Regarding claim 25 and 35, Holman discloses in Figure 5, a Product MFGR 262 field that identifies the product being advertised.

Regarding claim 26, Holman discloses in Figure 5, a textual advertising characteristic, Product MFGR 262.

Regarding claim 27, Holman discloses in Figure 5, a textual advertising characteristic, Source: Publication/ Broadcast log 282.

Regarding claim 28, "n-dimensional characteristics matrix" is read upon as a subscriber profile. Ivanyi discloses a STB 1 that monitors what channels, programs and advertisements and the extent to which a subscriber watches these programs and aggregates the demographic data profiles to provide this information to potential advertisers (column 7, lines 13-30, column 11, lines 1-25).

Regarding claim 29, Ivanyi discloses a system for monitoring a subscribers television program and commercial viewing (column 11, lines 1-12), determining whether or not the subscriber is watching an advertisement by monitoring channel and volume changes and records the data for distribution to a centralized database (column 7, lines 13-30, column 9, lines 25-40, Figure 5). Ivanyi does not disclose a system, which retrieves data in descriptive fields corresponding to the advertisement. Holman discloses a downloadable coupon system in which advertisement related information stored in fields (Figure 5, Product MFGR 262, Product I.D. 266, column 6, lines 5-69) is downloaded to a set top box and is later uploaded to a central computer (column 18,

line 59-column 19, line 21). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ivanyi to download advertising related information as taught by Holman in order to increase the efficiency of an advertisers marketing efforts by providing additional information on a subscribers viewing habits and interests.

Regarding claim 30, Ivanyi discloses a system for monitoring subscribers viewing habits, which monitors the volume control commands initiated by a subscriber (column 9, lines 25-40).

Regarding claim 31, Ivanyi discloses a STB 1 that monitors what channels, programs and advertisements and the extent to which a subscriber watches these programs and aggregates the demographic data profiles to provide this information to potential advertisers (column 7, lines 13-30, column 11, lines 1-25). Ivanyi does not disclose a profile generator, which generates a subscriber interest profile based upon the advertisements, which a subscriber has viewed. Wynblatt discloses an Internet based radio system, which selects advertisements for a subscriber to hear, based upon subscriber interests; the interest information is collected by recording which websites the subscriber has visited (column 8, lines 4-8). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the program collection system of Ivanyi to generate a subscriber interest profile as taught by Wynblatt in order to provide better demographic data to advertisers and potential advertisers.

Regarding claim 32, Holman discloses a downloadable coupon system in which advertisement related information stored in fields (Figure 5, Product MFG 262,

Product I.D. 266, column 6, lines 5-69) is downloaded to a set top box and is later uploaded to a central computer (column 18, line 59-column 19, line 21).

Regarding claim 36, Ivanyi discloses a client server system which monitors advertisements watched by a subscriber (column 8, lines 33-45, column 11, lines 1-12), a STB records a subscribers channel change requests and stores them in order to determine the extent of which an advertisement has been watched (column 7, lines 13-30, lines 48-58). Ivanyi does not disclose a system, which retrieves data in descriptive fields corresponding to the advertisement. Holman discloses a downloadable coupon system in which advertisement related information stored in fields (Figure 5, Product MFGR 262, Product I.D. 266, column 6, lines 5-69) is downloaded to a set top box and is later uploaded to a central computer (column 18, line 59-column 19, line 21). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ivanyi to download advertising related information as taught by Holman in order to increase the efficiency of an advertisers marketing efforts by providing additional information on a subscribers viewing habits and interests.

Regarding claim 37, Ivanyi discloses a system in which a subscriber profile is available and is stored at a central computer and is based upon data received from the set top boxes (column 9, lines 15-40, column 11, 18-25).

Regarding claim 38, Ivanyi discloses in Figure 1, a STB 1 for monitoring programs selected by a subscriber via remote control 2, and viewed on television 3 (column 7, lines 1-30).

Regarding claim 39, Ivanyi discloses a STB 1 that monitors what channels, programs and advertisements and the extent to which a subscriber watches these programs (column 7, lines 13-30, column 11, lines 1-25). Ivanyi does not disclose a system that retrieves advertisement related information. Holman discloses a downloadable coupon system in which advertisement related information is downloaded to a set top box and is later uploaded to a central computer (Figure 5, column 6, lines 5-69, column 18, line 59-column 19, line 21). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ivanyi to download advertising related information as taught by Holman in order to increase the efficiency of an advertisers marketing efforts by providing additional information on a subscribers viewing habits and interests.

Regarding claim 40, Ivanyi discloses a STB 1 that monitors what channels, programs and advertisements and the extent to which a subscriber watches these programs and aggregates the demographic data profiles to provide this information to potential advertisers (column 7, lines 13-30, column 11, lines 1-25).

Claims 16 and 41 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent 6,286,140-B1 to Ivanyi in view of U.S. Patent 5,287,181 to Holman in view of U.S. Patent 6,018,710 to Wynblatt.

Regarding claims 16 and 41, Ivanyi discloses a STB 1 that monitors what channels, programs and advertisements and the extent to which a subscriber watches these programs and aggregates the demographic data profiles to provide this

information to potential advertisers (column 7, lines 13-30, column 11, lines 1-25). Ivanyi does not disclose a profile generator, which generates a subscriber interest profile based upon the advertisements, which a subscriber has viewed. Wynblatt discloses an Internet based radio system that selects advertisements for a subscriber to hear based upon subscriber interests; the interest information is collected by recording which websites the subscriber has visited (column 8, lines 4-8). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the program collection system of Ivanyi to generate a subscriber interest profile as taught by Wynblatt in order to provide better demographic data to advertisers and potential advertisers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,974,299 to Massetti: Audience Rating System for Digital Television and Radio.

U.S. Patent 5,446,919 to Wilkins: Communication System and Method with Demographically or Psychographically Defined Audiences.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for

Art Unit: 2611

the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-372-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

HBL
May 30, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600